

Application No.: 09/935,366

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Docket No.: 140942000201

DRAFT RESPONSE

Client No.: DX0758K1-RE

REMARKS

Claims 1-7, 9-10, and 12-17 were pending in the present application. By virtue of this amendment, claims 1, 3, 4, 9, 10, 13, and 14 have been cancelled, and claims 2, 5, 7, 15, 16, and 17 have been amended. No new matter is believed to have been added. Amendment or cancellation of certain claims is not to be construed as a dedication to the public of any of the subject matter of the claims as previously presented. Claims 2, 5-7, 12, and 15-17 are presently pending.

Formal Matters

Applicants gratefully acknowledge the entry of the amendments submitted in Paper No. 7 (9/10/02) and Paper No. 10 (2/6/03). Applicants submit herewith a single amendment herein with the current amendments relative to the allowed claims of the U.S. Patent pursuant to 37 C.F.R. § 1.173(b)(2) and (d). A copy of properly amended claims from 9/10/02 and 2/6/03 is also submitted as Exhibit A for the convenience of the Examiner.

The Action states that the claims cannot be allowed prior to the receipt of a subsequent oath or declaration. A supplemental Oath/Declaration Under 37 C.F.R. § 1.75(b)(1) is submitted herewith. *See* Exhibit B.

The Action states that the claims cannot be allowed before the original letters patent is received. The original patent is enclosed herewith. *See* Exhibit C.

Applicants gratefully acknowledge the Examiner's indication of allowable claim language.

Rejections Under 35 U.S.C § 112, First Paragraph

Claims 1, 3-7, 9-10, and 12-17 are rejected under 35 U.S.C. § 112, first paragraph as allegedly lacking enablement and written description for reasons of record. Claims 3-4 also are rejected under 35 U.S.C. § 112, first paragraph as allegedly containing new matter. Applicants traverse these rejections.

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Applicants respectfully submit that the rejections are rendered moot in view of the newly amended claims. Therefore, Applicants request the withdrawal of these rejections.

Rejection Under 35 U.S.C. § 112, Second Paragraph

Claims 3-4, 14, and 16-17 are rejected under 35 U.S.C. § 112, first paragraph as allegedly being indefinite for reasons of record. Applicants traverse this rejection.

Applicants respectfully submit that the rejections are rendered moot in view of the newly amended claims. Therefore, Applicants request the withdrawal of these rejections.

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CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejections of the claims and to pass claims 2, 5-7, 12, and 15-17 to allowance.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 140942000201. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: October __, 2003

Respectfully submitted,

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